

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Streamlining Deployment of Small Cell	)	
Infrastructure by Improving Wireless Facilities	)	WT Docket No. 16-421
Siting Policies	)	
	)	
Mobilitie, LLC Petition for Declaratory Ruling	)	

**REPLY COMMENTS OF THE  
MINNESOTA ASSOCIATION OF COMMUNITY TELECOMMUNICATIONS ADMINISTRATORS**

**Introduction**

The Minnesota Association of Community Telecommunications Administrators (MACTA) submits these Reply Comments, on behalf of the over 100 local government entities we represent in Minnesota, in response to the Federal Communication Commission's ("FCC") December 22, 2016, Request for Comments on Mobilitie's Petition to the FCC for a declaratory ruling. MACTA, a Minnesota non-profit association that works closely with the League of Minnesota Cities and is a state chapter of the National Association of Telecommunications Officers and Advisors (NATOA), has for 34 years provided education, information and legislative assistance to our members in matters related to cable television franchising; public, educational and government access programming; and use of the rights-of-way (ROW) as it pertains to cable, broadband and telecommunications development and deployment of their "communications" systems. Indeed, it is this close relationship between the various communication industries use of the rights-of-way and local government's responsibility to manage it that provides Minnesota local governments with understanding the essential role the "public's" ROW provides in today's world of distributing and receiving communication services.

**Successful History of Wireless Deployment**

MACTA and its members understand the significant opportunity local government's ROW, infrastructure and land provides to both wired and wireless providers. A prime example of this in Minnesota is the

successful 25 plus year history of local governments working in partnership with the wireless industry to the deployment of wireless services in our communities through the use of local government's infrastructure, i.e., water towers, parks and other public land, etc. Local governments are responsible for these public assets and the industry has been successfully negotiating the placement and payment of its infrastructure for over 25 years. This partnership has served the industry with reliable, timely, convenient and cost effective locations for placement of their equipment. MACTA is not aware of any instances of where the wireless industry found the need to for state or federal government to interfere or intervene with this partnership. As such, MACTA sees no difference between this successful partnership and this next phase of small cell wireless infrastructure deployment. In fact, the industry knows it is far easier to place and pay for their infrastructure on public property than having to negotiate hundreds of separate contracts with private property owners.

#### **MACTA Supports Local Government Filings**

MACTA supports the joint Comments filed by the League of Minnesota Cities (LMC) and Municipal Utilities Association and whole heartedly agrees with their conclusion:

"LMC and MMUA [Minnesota Municipal Utilities Association] do not believe that Minnesota common law, statutes, rules or local ordinances have discouraged or created barriers to small cell or wireless deployment. Minnesota cities welcome and desire smart planning and deployment of wireless services and our policies allow us to work with companies willing to work with us to provide services. Evidence of this exists in the networks and deployment already in place in Minnesota, as well as the ongoing deployment continuing to happen. Additional federal regulations or limitations on fees would prove costly and disruptive to Minnesota cities and, as such, LMC and MMUA urge the FCC to not make any declarations further interpreting the TCA requirements on how local government handles and charges for wireless siting in their communities."

MACTA also strongly supports the joint filed Comments from The National League Of Cities, The National Association Of Telecommunications Officers And Advisors, The National Association Of Towns And Townships, The National Association Of Counties, The National Association Of Regional Councils, And The Government Finance Officers Association, including their summary:

"Local governments want more advanced communications services in their communities because they appreciate the many benefits these services bring to their residents, schools, and businesses. But they also realize that the smart deployment of the infrastructure needed to support new technologies must carefully balance the needs of industry with the public health and safety concerns of their communities. As such, it is impossible that a one-size-fits-all regulatory scheme can adequately take into account the various needs and interests of all communities across the nation.

To date, no factual basis has been established that would justify any further federal interference in what is unquestionably a local government concern – the control and management of the public rights-of-way. Further, nothing but unsubstantiated assertions have been presented - and certainly no legal basis has been established - necessitating any action by the Bureau on the issue of applications fees and rights-of-way access charges.

Rather than impose additional federal regulatory burdens on America's local communities, the Bureau should heed the advice of the FCC's Intergovernmental Advisory Committee and permit "industry and local government representatives to meet to address specific instances of alleged delay and work to resolve issues that may hinder the continued deployment of wireless infrastructure."

## **Conclusion**

MACTA's member cities understand the importance of what the advancement and introduction of new technologies, including 5G, will provide to our residents, businesses and public at-large. Furthermore, we look forward to continuing to nurture and build upon the partnerships that have been developed with the wireless and communications industries. But, we oppose further federal guidelines and interpretations which result in preemption of local siting authority, and ask the Commission to consider carefully the many differences between communities that necessitate local decisions. Instead, we ask to be allowed to continue work with local wireless carriers and infrastructure providers to integrate these technologies, and other that have yet to be invented, into our planning and zoning processes in a way that preserves and protects the finite rights-of-way belonging to our residents.

Respectively Submitted,

Minnesota Association of Community Telecommunications Administrators



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